

migration of contaminants into the air, ground water, surface water or soil. Therefore, the Record of Decision signed on September 30, 1987 called for no further action at the Cooper Road site.

The Agency for Toxic Substances and Disease Registry (ATSDR) completed a health consultation for the site in August 1987. ATSDR concluded that the ground water does not pose a threat to public health.

The EPA community relations activities at the site included a public meeting in September 1987 to present the Agency's preferred remedial alternatives. Public comments were received and addressed.

EPA, with concurrence of the State of New Jersey, has determined that there is no longer a release that poses a significant threat to public health or the environment and, therefore, the taking of further remedial measures is not appropriate.

William J. Muszynski,

Acting Regional Administrator.

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40 CFR Part 300

[FRL-3455-5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List; Krysowaty Farm Site

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Krysowaty Farm Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA), Region II Office, announces its intent to delete the Krysowaty Farm site from the National Priorities List (NPL) and request public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Jersey have determined that no further fund financed remedial actions are appropriate at this site and actions taken to date are protective of the public health, welfare, and the environment.

DATE: Comments concerning this site may be submitted on or before November 18, 1988.

ADDRESSES: Comments may be mailed to: Stephen D. Luftig, Director,

Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, NY 10278.

Comprehensive information on this site is available through the EPA public docket, which is located at EPA's Region II Office in New York City, and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the Regional public docket should be directed to the EPA Region II docket office.

The Address for the Regional docket office is: Mr. Ronald Borsellino, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 711, New York, NY 10278, (212) 264-1870.

FOR FURTHER INFORMATION CONTACT:

Background information from the Regional public docket is also available for viewing at the Krysowaty site information repository located with: Mr. Glen Belnay, Health Officer, Hillsborough Township Health Department, 330 Amwell Road, Neshanic, New Jersey 08853.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA), Region II Office, announces its intent to delete the Krysowaty Farm site, in Voorhees Township, New Jersey from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Response Trust Fund (Fund). Pursuant to section 105(e) of CERCLA, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments on this site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.66(c)(7), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA must first determine that the remedy (or no remedy if appropriate) is protective of public health, welfare, and the environment, considering environmental requirements which are applicable or relevant and appropriate. In addition, section 121(f)(1)(c) of CERCLA requires State concurrence for deleting a site from the NPL.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 105(e) of CERCLA states:

Whenever there has been, after January 1, 1985, a significant release of hazardous substances or pollutants or contaminants from a site which is listed by the President as a 'Site Cleaned Up To Date' on the National Priorities List, the site shall be restored to the National Priorities List without application of the hazard ranking system.

III. Deletion Procedures

In the NPL Rulemaking published in the **Federal Register** on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice and comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP that were proposed in the **Federal Register** on February 12, 1985 (50 FR 5862). Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist

Agency management. As is mentioned in section II of this notice, section 105(e) of CERCLA makes clear that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

EPA Region II will accept and evaluate public comments. The Agency believes that deletion procedures should focus on notice and comment at the local level, similar to those procedures for local comment outlined in EPA's March 27, 1984 "Interim Procedures for Deleting Sites from the NPL." Comments from the local community are likely to be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

1. EPA Region II has recommended deletion and has prepared the relevant documents.

2. The State of New Jersey has concurred with the deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in local and community newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package.

4. The Region has made all relevant documents available in the Regional Office and local site information repository.

The comments received during the notice and comment period will be evaluated before the final decision to delete. The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

A deletion will occur after the Assistant Administrator for Solid Waste and Emergency Response places a notice in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region II.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the Krysovaty Farm site, Hillsborough Township, New Jersey from the NPL.

The Krysovaty Farm site is located on a 42-acre tract in Hillsborough Township, Somerset County, New Jersey, near the Village of Three Bridges. The site consisted of a waste disposal area approximately one acre in size.

An estimated 500 drums of paint and dye waste sludges, waste oils, and various other waste materials were

allegedly dumped, crushed, and buried at the site from 1965 to 1970. Complaints from local residents of health problems and odors in their well water, coupled with an eyewitness account of the alleged waste disposal, brought the site to the attention of the local health department. The New Jersey Department of Environmental Protection (NJDEP) became aware of the site in October 1979. Since 1979, local, state, and federal officials have conducted site investigations and sampling. In 1982, the Township began to provide bottled water to nearby residents. The site was proposed for inclusion on the NPL on July 23, 1982 and appeared on the final NPL on December 30, 1982.

In 1984, the EPA completed a remedial investigation and feasibility study (RI/FS). The RI/FS studied the soil, sediment, surface water, a leachate seep, and ground water. Volatile organics, pesticides, base/neutral compounds and trace PCB contamination were found in the waste disposal area. On June 20, 1984, EPA signed a Record of Decision (ROD) selecting a remedy for the Krysovaty Farm site.

The ROD called for the following remedial activities at the site: Excavation and removal of the wastes disposal area; transport and disposal of waste to an approved hazardous waste disposal facility; provision of a permanent alternate water supply for potentially affected residences; monitoring of on-site wells, semi-annually, for a five-year period.

The EPA community relations activities at the site included a public meeting in May 1983 to present the work plan for performing the RI/FS, and a meeting in March 1984 to present findings of the RI/FS and the preferred alternative. Public comments were received and addressed. A major concern of the public and local officials was the need for an alternative water supply. In July 1984, EPA held another public meeting to discuss the selected remedial alternative, which included the alternate water supply. EPA conducted a public meeting in November 1985 to present an overview of the remedial actions, focusing on the excavation of wastes.

The remedial actions at the site began in August 1985 and were completed in January 1986. The Elizabethtown Water Company water main was extended to the affected residences and 13,763 cubic yards of visibly contaminated soils and debris were excavated and disposed of off-site in an approved hazardous waste disposal facility. The site was backfilled with clean fill, covered with six inches

of top soil, and seeded in the spring of 1986.

The Agency for Toxic Substances and Disease Registry (ATSDR) completed a health assessment for the site in September 1986. ATSDR reviewed the residual soil data and determined that the concentrations of contaminants measured did not pose an imminent health threat via either ingestion or inhalation pathways. To ensure that the remediated area is left undisturbed, ATSDR recommended institutional controls and ground water monitoring.

The institutional controls for the site include a zoning ordinance by Hillsborough Township, which precludes land development due to the slope of the remediated area, and the mandatory water connection ordinance, which prohibits private well installation and use at the site. Both institutional controls have been implemented. A five year ground water monitoring program is being implemented by the State of New Jersey. That program commenced in May 1987.

EPA, with concurrence of the State of New Jersey, has determined that all appropriate Fund-financed responses under CERCLA at the Krysovaty Farm site have been completed, and that no further cleanup by responsible parties is appropriate.

William J. Muszynski,

Acting Regional Administrator.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6939]

Proposed Flood Elevation Determinations; California et al.

AGENCY: Federal Insurance
Administration Federal Emergency
Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the Natural Flood Insurance Program.